

**REMARKS**

This is in response to the Office Action dated July 16, 2003. With this Amendment, claims 18-36 are canceled, claims 37 and 39 are amended, and claims 41 and 42 are added. Claims 1-17 and 37-42 are now pending in this application, with Applicant making a provisional election to prosecute claims 1-17.

The Office Action makes a restriction requirement, identifying five groups of claims found to be distinct from each other. More specifically, the Office Action requires an election to prosecute one of the following claim groups: Claims 1-17, directed to a filament cassette (Group I), claims 18-28, directed to a filament cassette receiving system (Group II), claims 29-31, directed to an extrusion apparatus (Group III), claims 32-36, directed to a method of loading filament (Group IV), and claims 37-40, directed to a method for assembling the filament cassette (Group V). With this Amendment, Applicant makes a provisional election to prosecute claims 1-17 (Group I), cancels non-elected claims 18-36 (Groups II, III and IV), amends claims 37 and 39 of non-elected Group V and add claims 41 and 42 to Group V, and traverses the restriction requirement as between claim Groups I and V.

Applicant respectfully asserts that the invention of Group V (claims 37-42), directed to a method for assembling the filament cassette of claim 1, is not patentably distinct from the invention of Group I (claims 1-17). The amendments to claims 37 and 39 are made to more clearly illustrate the unity between these two groups of inventions.

Applicant respectfully traverses the Examiners' restriction requirement as between Group I and Group V claims, because the requirement is premised upon an unduly narrow reading of claim 37. The Examiner asserts that the Group I and Group V claims are directed to distinct inventions because the claimed filament cassette may be made by another and materially different process than that claimed in Group V. The Examiner gives the example of separate drying of the cassette housing and filament followed by assembly of the separately dried materials in a controlled environment.

The Examiner's view is premised on an assumption that the steps of the claimed method must be performed in the order presented. To the contrary, claim 37 as presented does not require that the recited steps be performed in the order, thus, the claim in fact encompasses a method in which the chamber and filament are separately dried prior to performance of the loading step. "Unless the steps of a method actually recite an order, the steps are not ordinarily construed to require one." Interactive Gift Express, Inc. v Compuserve, Inc., et al., 231 F.3d 859, 875 (Fed. Cir. 2000). A sequential order may be imposed, however, if such a requirement is implicit in the claim language, the specification and/or the prosecution history. Loral Fairchild Corp. v. Sony Corp., 181 F.3d 1313, 1322 (Fed. Cir. 1999).

The present amendment to claim 37 makes implicit a requirement that in assembling the filament cassette of claim 1, the filament must be loaded into the chamber prior to the step of sealing the chamber. The claim requires no order beyond this limitation. That is, the drying step may be performed before or after the loading step or the sealing step. Further, these steps may be performed concurrently, or, one step may begin before another is completed. For example, where the drying step includes using a supply of desiccant as is claimed in dependent claim 38, the drying step begins before the sealing step but ends after the chamber is sealed. (*See* Application at page 23, lines 17-25).

As such, the Examiner's assertion that the claimed filament cassette could be made by another and materially different process than that claimed in Group V is unsupported, and restriction is therefore improper. M.P.E.P. 806.05(f). Furthermore, it would not be unduly burdensome to search the inventions of Groups I and V, as the Examiner is likely to be searching the same art for each group.

Claim 39, which is dependent on claim 37, is amended to explicitly require an order of steps to be performed in the case where the filament cassette is dried by heating it in an oven and applying a vacuum. This limitation is supported in the Application at page 23, lines 3-12.

Applicant respectfully requests that the Examiner reconsider and withdraw the restriction requirement as between the remaining claim Groups I and V, and asserts that claims 1-17 and 37-42 are in condition for allowance.

In addition, Applicant notes that claim 1 is a linking claim which links the product claims of Group I to the process of making the product, claimed in Group V. The process claims of Group V are inseparable from the provisionally-elected product claims of Group I, because the process claim group expressly incorporates all of the structural limitations of the product of claim 1. As such, the restriction requirement should be withdrawn upon allowance of the linking claim(s), if not sooner withdrawn, as set forth in M.P.E.P. 809.03 and 809.04.

The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,

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Date: 7-19-03

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